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BOOK REVIEWS

REVIEW ARTICLE

PRISON REFORM: THE CHARACTERISTICS AND FUNCTIONS OF KEY DECISION-MAKERS*

LAWRENCE A. BENNETT**

Although the title fails to convey fully the intent of the reported research to nonsociologists, this study is an excellent piece. The authors consider which people have the power to bring about prison reform and the extent to which such people are knowledgeable about the subject of prisons, correctional processes and associated problems. The study is well done and fills a hitherto unmet need by providing an understanding of how the characteristics of individual decision-makers at different levels interact with the level of knowledge to shape readiness to act. The book should be carefully considered by researchers, planners and evaluators who are interested in seeing their scientific efforts translated into practical prison reform. Correctional administrators should also find this study of great value in assisting them to apply their not inconsiderable influence in bringing about desired changes in correctional processes.

The book begins with an extensive exposition of the study design and the procedures used. A fair amount of discussion is devoted to LEAA's failure to follow through on the full study of which the reported research was planned as a prototype. While it is indeed difficult to understand the lack of continued funding considering the tremendous importance of the problem, the inclusion of the entire design for the larger study, while interesting, is somewhat tangential to the thrust of the book.

The method of choosing a sample of decision-makers, the "elite" in each state, was well thought out, and while the completed sample seemed somewhat less than adequate in some areas, key individ-

uals were usually included in sufficient numbers to provide valuable insights. Because this is a pilot effort there were only three states selected for study. The success of the pilot effort clearly indicates that a much larger project is feasible, but the small number of states selected means that caution is warranted in generalizing the results to other states.

In overview, the study makes use of an ingenious design with careful and honest handling of statistical measures, fully acknowledging the inadequacy of the methodology to meet all the statistical tests of significance. Despite this caveat, however, there is a slight tendency toward excessive utilization of complex statistical analyses.

Not only legislators (who emerge readily as key decision-makers) and prison officials were included as individuals whose opinions might be influential, but "partisans" were included on the basis of having potential impact on decisions made about correctional reform. Included among the partisans were wardens, judges, juvenile officials, law enforcement leaders, mayors and leaders of citizen and reform groups. Mailed questionnaires early proved to be less than totally desirable in terms of response time and return rate. As the study team moved into direct interviewing, respondents apparently enjoyed participating, willingly completing an elaborate survey of opinions; interviews tended to last more than an hour and a half, a considerable period of time to expect from busy participants.

The receptivity of a respondent to potential changes in the operation of the correctional system of his state was assessed at four levels: first, a consideration of the philosophical bases for correctional goals; second, a consideration of specified reforms on the correctional process as a whole; third, a review of specific practices in the field; and fourth, an assessment of how convicted offenders

* A review article of *PRISON REFORM AND STATE ELITES*. By Richard A. Berk and Peter H. Rossi. Cambridge, Ma.: Ballinger Publishing Company, 1977. Pp. xvi, 207. \$15.00.

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should be treated. With regard to the last area of concern, the authors took a different and very interesting approach. While many studies have made use of offender vignettes to assess the relative leniency of decision-makers with regard to how offenders with differing background characteristics—offense, age, criminal history, etc.—should be handled by the system, the usual procedure is to present a standardized small set to each respondent. In this study, though, the characteristics were systematically reformulated into the various possible combinations and a set of 40 vignettes presented to each decision-maker. This number of vignettes provides a large amount of variation in assessing relative amounts of leniency and permits an opportunity to assess the contributions of the different levels of decision-makers.

Along with an assessment of the importance of prison reform to the key decision-makers and an estimate of receptivity to a number of change "packages," the authors developed a weighting system to determine the contribution of each respondent in terms of "importance" as seen both by himself and by other members in the sample. Analysis of the sample of respondents supports what we might expect: key decision-makers tend to be well educated, predominately male, white and middle-aged and nearly half come from families of relatively high socioeconomic standing.

When asked to indicate the strengths and weaknesses of the correctional systems in their states, respondents were able to cite major problems without difficulty, but some did have difficulty determining strengths. In one of the sample states, only eighty percent of the respondents could think of even one strong point in their system. When queried as to how well the corrections system meets its problems, about one-fourth expressed definite dissatisfaction with the results, while roughly two-thirds were somewhat critical since their "so-so" response was taken as expressing some dissatisfaction with operations.

From this kind of an assessment as well as an examination of a respondent's views of parts of the system, the seriousness of the specific problems and the certainty of response, the authors conclude that as of the time of the study (1973) there was widespread dissatisfaction with many aspects of corrections. Moreover, they note that there was a readiness to act on correctional reform measures, although the nature or direction of the reform was unclear. Apparently in spite of strong views that prisons have failed in their effort to rehabilitate

prisoners, the authors found that a large proportion of respondents cite a lack of resources for rehabilitative programs as a serious problem. It is felt that the author's speculation is quite sound because "this implies a philosophical support for many current meliorative practices and a belief that 'more of the same' could be effective." While there was considerable variation among the three states sampled, those respondents who had the greatest interest in corrections and who had the most firsthand contact with the system, tended to be the most critical of the system and to see it as least cost effective. The authors suggest that this reflects some congruence between the belief system of the decision-makers and the reality to which they are reacting.

The variations among the three sample states are apparently not adequately accounted for by the psychological predispositions of our respondents. This suggests that decisions concerning correctional changes are responsive to both reality and rational propositions.

Some of the findings with regard to attitudes about correctional reform raise interesting questions. Do key decision-makers hold one set of ideas but determine policy in relation to what they *think* the public wants? For example, the reform measures endorsed by a large majority of those contacted encompassed the rehabilitation of prisoners and reduced incarceration through a series of programs ranging from part-time prison, through community-based correctional institution to extensive use of probation and parole. But we now see changes in the apparatus that point more toward punishment. Having rejected the efficacy of prison programs, recent legislative changes indicate that more incarceration is used as a corrective method for more people. An alternative explanation may be that attitudes change swiftly. Thus, the findings are related to views held in 1973 while the punitive, flat sentence approaches are being enacted from 1975 to the present. Finally, the results may indicate that views and associated decisive action are unrelated to expressed attitudes, a finding not uncommon in social psychology.

Along a similar line, the authors found that those in power did not feel that reforms aimed at deterrence or punitive approaches were likely to occur, although they felt that the public was strongly supportive of such views. The accuracy of the estimates of public opinion was questioned by the authors because the respondents tended to view other members of the power elite as less liberal

than themselves.

Liberals may gain some sense of self-satisfaction from the finding that the majority view of correctional reform—namely, an emphasis on rehabilitation and a shift toward community-based corrections—was held by the key decision-makers who were better educated and had more interest in corrections. The minority view that corrections should function in a retributive or deterrent manner was held by the less well educated, by those who were not interested in corrections as an issue and by the police.

The strength of beliefs held, particularly those concerning liberal reform measures, are questionable when it is noted that many of the individuals expressing these views were particularly sensitive to the political disadvantages of supporting such programs. It was speculated, and subsequent history tends to confirm the hunches, that in the face of strong public support for punitive measures, many of the power elite would fail to support publicly liberal reform programs.

The patterns of influence do not emerge in any clear cut findings from this preliminary feasibility study. Elected officials, whether in key committee positions or in leadership roles in party politics, tend both to exert the greatest influence and to be influenced by others. Apparently in the next most powerful group are the so-called "other partisans," which includes civil rights watch-dog groups, police unions, and such organizations as citizens' crime commissions. Trailing, but markedly ahead of a whole array of significant potential actors, are the correctional officials. Depending on circumstances, there are suggestions that key leaders in correctional agencies might well have considerably more impact than they, or anyone else, has hitherto suspected. Not only do they exercise direct influence on decisions, but the potential is available, by inference, for them to exercise considerable indirect influence because elected officials who carry the maximum impact are open to suggestion. Prison officials must be judged to be in such a position to offer suggestions for they are often the only group with even partial factual knowledge concerning the operation of the system.

The authors attempted to estimate the "strength" of support for corrections reform by weighting responses from the powerful decision-makers much more heavily than those of the lesser actors in the field. The index of "power" was derived from a respondent's statement as to the number of groups and individuals he felt able to

influence. Needless to say, this kind of self-reporting can be seen as of questionable validity although it might serve as a starting point in establishing a hierarchy in the power structure. Such a procedure assumes that all those influenced are of equal importance, a situation that the authors clearly recognize but choose not to deal with at this time because of the potential for redundant weighting. However, if others become interested in this aspect, it seems highly reasonable to explore the power of those influenced as an additional increment of power, for surely an individual who influences the governor, two party leaders and two key legislators must be seen as more powerful than someone who can modify the beliefs of five individuals lower in the sphere of influence.

Despite the limitations of the techniques used, the findings, as the authors suggest, "have intuitive meaning" and are fairly straightforward and easy to understand. Thus, when the power weighting system is applied, it is found that the rehabilitative reforms and non-punitive approaches *gain* in support as compared to a simple counting of individuals who hold positive views.

Surprisingly, whether dealing with general concepts such as "Rehabilitation" or "Supervised Treatment" or with specific corrections practices such as conjugal visits, week-end furloughs or inmate self-government, the weighted sample is more "progressive" in every case. Rehabilitative approaches receive a stronger endorsement while punitive suggestions such as the death penalty and corporal punishment are more strongly opposed.

While such findings, however tentative, may please the old-fashioned liberal reformer, considerable caution is suggested. As noted earlier, the most influential and therefore, by the definitions of this study and common sense, the most powerful tend to be within the elected official group. Such individuals are acutely aware of the need for public support. As the authors note, public sentiment regarding correctional issues is largely unknown. The extent, then, to which the power-weighted individual is likely to maintain the "liberal" or "progressive" stand depends, in large part, on how well he has gauged where the public stands. Should he be too advanced in his thinking, public outrage would probably cause him to reevaluate his position.

Through the use of the criminal behavior vignettes, the authors attempted to determine the congruence of stated abstract belief systems and sentencing behavior. The results suggested that the

differences observed among kinds of decision-makers in terms of general philosophy of how to deal with offenders became considerably less pronounced when it came to determining the disposition of specific offenders. All saw the seriousness of the offense as a primary factor in the treatment of a criminal offender, most made use of prior criminal history and some gave an advantage to younger offenders, but all tended to endorse a lenient approach with a greater preference for the use of techniques other than incarceration in conventional prisons. This suggested finding may be among the more important presented by the study: if reforms are to be achieved, they are more likely to occur if attempted in terms of specific, concrete problem solutions. When the rhetoric of "treatment", "rehabilitation" or "deterrence" enters the picture, strong emotional positions are taken at an abstract level, leaving little room to maneuver toward a compromise.

The authors' conclusion that they were able to achieve the objective of demonstrating the feasibility of key members of state political and administrative leaders, is strongly endorsed. While learning that mail surveys fall far short of providing an efficient mechanism for assessing the knowledge and beliefs of state elites, the authors found that such individuals were not only willing to participate, but that they also seemed to enjoy it. Thus, others interested in projects along similar lines should be encouraged since the authors here did get responses from the right people and those responses seem reasonable.

The authors also claim that they met the objective of assessing the potential for corrections reform. While noting that they may have made their assessment at a time when liberal approaches were at their highest, they maintain that key leaders will continue to support the liberal stances evidenced at the time of the study. But "potential" can only be determined after an act has occurred and here the authors misread the sentiment of the late 1970's that deterrence and punishment are in the ascendance and the liberal elite have not been able to stand their ground. It would appear that the statement presented by the authors as speculation at the time, now may be close to representing reality. If the liberal climate of 1973 was mainly a shallow reflection of what were the then current "in" criticisms of the criminal justice system, then we can expect that some of the elites have changed to mirror the new fashionable views (at 147).

While one may complain about the inability of

the authors to use their techniques and findings to predict the future, one can only applaud the quality of the effort and admire the unique approaches to analysis that translates complex statistical interactions into understandable insights. It may well be that this work has provided us with the tools to develop sufficient understanding of this special area of decision making such that we can intervene and shape the future. Indeed, if bold individuals had been on the scene in 1973 to apply the knowledge now available, perhaps the "potential" for liberal reform could have been transformed into improvements in the system, making the return to punishment and deterrent models much more difficult.

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THE CANADIAN CRIMINAL JUSTICE SYSTEM. By Alice Parizeau and Denis Szabo. Lexington, Ma.: Lexington Books, 1977. Pp. 240. \$16.00.

As Lloyd Ohlin has indicated, it is rare indeed to find criminologists who are more than superficially acquainted with systems of criminal justice other than their own. One reason for this is the lack of adequate descriptive material within comparative criminology. The authors of this volume have made one step toward alleviating this problem by presenting a concise yet thorough overview of the Canadian criminal justice system. This book was written for two purposes: "One was to summarize and present in a single volume all the information that could be obtained from the study of many documents and official reports. The other was to compile a source of data that could be used to facilitate comparative studies with other criminal justice systems" Within the limits of a short volume, I believe the authors have been quite successful.

This volume has, however, one major drawback. Despite the avowed intentions of the authors, they do not simply provide a non-analytic description of the Canadian criminal justice system. In the introductory chapter, the philosophy of social defense is presented as an analytic framework which, it is purported, has guided Canadian criminal justice legislation. This analysis is inaccurate: the formal precepts of social defense are quite alien to Canadian criminal justice. Parizeau and Szabo are correct when they state that, "the philosophy of

social defense has had an increasing effect on legislation in Western European countries, with the exception of Great Britain." But they should have further noted that Canada and the United States are also major exceptions to this influence. Canadian criminal justice is based primarily on British principles which have historically been modified by American experience—especially in the area of corrections.

It is perhaps not entirely coincidental that Marc Ancel's, *La defense sociale nouvelle*, is translated into English simply as *Social Defense*, since few appear to have been familiar with "la defense social ancienne." Thus, assertions such as, "the probation officers' task is to apply the principles of social defense," (at 43) would come as a great surprise to most Canadian practitioners.

In general, however, American readers should find this book interesting, since it describes a system which shares a common heritage with their own, yet is quite different in some very significant details. Because this volume was not written specifically for an American audience, however, some of those differences may not be initially obvious.

One primary distinction between the two systems is to be found at the legislative level. Unlike in the United States, the Canadian Federal Government prescribes one Criminal Code which is in force throughout the entire country. The individual provinces, however, are in charge of the administration of the criminal law. This division of power stems from the British North America (B.N.A.) Act which forms the basis of the Canadian constitution. Under the B.N.A. Act, the Federal Government assumes responsibility for enacting criminal legislation, while the provinces are responsible for the enforcement of the criminal law, and for matters dealing with civil law and social welfare. That division of power, needless to say, creates some interesting difficulties—as in the administration of the Juvenile Delinquents Act which is essentially criminal legislation grounded in social welfare philosophy. Unfortunately, while the authors mention this point, they do not fully explore its many implications.

Another major distinction arises in the area of the courts. Canadian justices and Crown prosecutors (public prosecutors) are all appointed officials. Indeed, there are no elected offices anywhere within the Canadian criminal justice system.

Other major differences between the two systems revolve around police practice and the gathering and admission of evidence in court. Canadian po-

lice are not required to issue Miranda style warnings to arrestees; rather, the assumption is that rational citizens ought to know their rights. Furthermore, as the authors state, "administrative irregularities," such as unlawful arrest or search, cannot prevent justice from taking its course. . . . [A]n unlawful arrest does not deprive the courts . . . of their jurisdiction." Thus, any evidence gathered by police may be used against an individual in criminal action regardless of how the evidence was obtained. Unlawful arrest and seizure, however, does make the errant police officer liable to criminal and civil prosecution.

Overall, this book provides a wealth of descriptive information, and despite its erroneous emphasis on the effects of social defense philosophy in Canada, I would recommend it as a good introduction to the Canadian criminal justice system for anyone interested in comparative criminology.

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CRIMINAL VICTIMIZATION IN EIGHT AMERICAN CITIES: A DESCRIPTIVE ANALYSIS OF COMMON THEFT AND ASSAULT. By *Michael J. Hindelang*. Cambridge, Ma.: Ballinger Publishing Co., 1976, Pp. 544. \$22.50.

Criminology, like many other disciplines, is not immune to the continuing shifts of interests and fads of its members. In fact, the last two decades have seen a growing body of theory and research in areas long dormant. In addition to the growing concern regarding the critical role that the criminal justice system plays in the solidification and persistence of anti-social attitudes and behaviors, there has been renewed criminological interest in the role and behavior of the victim in the consummation of the criminal act. This redirection from offender to victim is reflected in the number of victimization surveys that have proliferated throughout the large cities of the United States. These surveys, which focus on the victimization experience, provide one more data source to determine what types of offenders are involved in criminal activity. In this regard, Hindelang has brought together a large volume of data on the fundamentals of the victimization experience, and has provided a basis upon which to develop and improve future victimization surveys. Although the reading can be tedious, the volume provides a number of important findings that need to be explored both empirically and theoretically.

Hindelang, in his introductory chapter, provides a general review of the role of the victim in criminal law and criminology and of the attempts by several researchers to develop a typology of victimization. In his work, he points to the paucity of studies on victim characteristics and the need for law enforcement agencies to collect more appropriate data regarding the victim.

After a review and discussion of the growing criminological interest in the role of the victim, Hindelang discusses the early studies of victimization, the major shortcomings of these surveys and the methodological issues that need to be given careful consideration. Hindelang's own data is based on surveys conducted in eight cities participating in LEAA's high impact reductions program begun in 1972 (Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland, St. Louis). The survey includes data from household members about both personal and household victimizations, as well as data obtained from business owners and managers about robberies and burglaries suffered by the business. The remainder of the volume describes the characteristics of the victims and offenders associated with each of these three categories of victimization.

In terms of personal victimizations, Hindelang provides a profile of the victim and the effects of age, sex, race, income and marital status on the victimization. In addition, the author directs his attention to the consequences of being victimized. He presents some interesting data on the self-protective measures of the victim and the relationship of these actions to the likelihood of physical injury and property loss. He also makes a similar analysis of the victims of household and business crimes.

One of the most useful and important chapters of the volume deals with the victim-offender relationship and its importance in understanding criminal activity. Hindelang provides a description of this relationship in terms of assaultive violence with and without theft, as well as personal theft without injury. The author also makes a useful, but all too brief attempt to relate the data to previous studies of violence, especially the subculture of violence position taken by Wolfgang-Ferracuti.

Moreover, Hindelang provides information on the percentage of non-reporting by each of the three categories (personal, household, and business victimization). Two of the important findings are: 1) that people are less likely to report when a crime has only been attempted, than when a crime has been completed, and 2) that racial minorities are

more likely to report a crime in all categories than whites. The implications of these data in terms of the Uniform Crime Reports and the relationship of minorities to law enforcement officials needs to be given thoughtful consideration. While Hindelang's book provides a useful data source on victimization, there is a clear need for relating the data to a wide range of theoretical perspectives in a more complete fashion.

In addition to the importance of relating victimization data to a broad range of theoretical perspectives, there is also the need to be concerned with the implications for social policy in both the collection and dissemination of crime data to the public. In this regard, criminologists need to give attention to a broader range of criminal activity than that normally included in victimization surveys. The continued emphasis and interest in the development of a more accurate index of crimes is both necessary and commendable, but the narrow focus on crimes normally associated with low-income groups minimizes the extent and seriousness of white-collar criminality. During the last decade, several criminologists have admonished the field for the paucity of research on white-collar crime. This admonition needs to be considered in victimization surveys as well. Information on those who have been victims of fraud, embezzlement and arson for profit would provide much-needed data to criminologists, and would emphasize the need to examine criminality from a less restricted viewpoint.

ALBERT P. CARDARELLI
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MURDER, INEQUALITY, AND THE LAW. By *Victoria Lynn Swigert* and *Ronald A. Farrell*. Lexington, Ma.: Lexington Books, 1976. Pp. 144. \$14.50.

The American legal system centers around the notion of equality for all. However, the criminal justice system faces the problem that complete adherence to egalitarian principles would deplete its resources. Shorthand methods are adopted to administer summary justice and to help avoid overburdening the system. One such technique developed is the use of stereotypes. The term "normal primitive," gleaned from psychiatric clinical reports of 444 homicide defendants, is one such tool used to describe individuals who are typically black, lower social class, at the bottom of the occupational ladder, and of limited educational background and dull intelligence. Such persons tend to resort to violence under certain social cir-

cumstances to prove their manhood and to sustain their reputation among peers. In short, this clinical definition describes members of the "subculture of violence."

Swigert and Farrell classify each homicide defendant in terms of the "normal primitive" scheme and then systematically examine several variable effects upon various stages in the judicial process. These stages include whether or not the homicide defendant retained a private attorney or public defender, whether bail was awarded or denied, whether a jury trial was secured, and whether the outcome was convictional. The results culminate in an elaborate path model which forms the basis for the theoretical synthesis presented in the final chapter.

While the authors present their methodology and empirical results with tremendous clarity, I am disturbed by two practices. The first is the authors' referral to unstandardized beta weights in the tables as path coefficients. A second minor point of irritation is the constant referral in Chapter 5 to indirect variable effects. Unfortunately, none of the actual values of these indirect path effects nor the decomposed components are given to the reader. In spite of these slight oversights, the methodology, presentation and interpretation of results are systematic and refreshingly clear.

My reservations about this book lie more with what was not written than with what was. For example, the authors present the concept "subculture of violence" as if its empirical existence was nonproblematic. Then again, the authors are not so much concerned with empirically establishing the existence of a "subculture of violence" as they are with demonstrating that the stereotype "normal primitive" obstructs equal treatment before the law. As W. I. Thomas' "definition of the situation" would have it, whether or not a subculture really exists is incidental if officials perceive the subculture to exist. Therein lies the rub. Despite theoretical reliance upon the role of stereotyping and perceptions in dispensing justice, the authors do not present any data describing the perceptions employed by criminal justice personnel. Granted the authors do include the psychiatric material. However, it is assumed, but not demonstrated, that system personnel and psychiatrists share this very same imagery. In more simple terms, the empirical existence of a "subculture of violence" is nonproblematic because the authors are interested in studying the impact of personnel perceptions upon the delivery of justice. Yet, there are no data demon-

strating what the perceptions of criminal justice personnel are.

Despite these criticisms, the book is very appropriate for beginning graduate students as a sequel to Wolfgang and Ferracuti as both a demonstration of the interplay between theory and method and as a poignant example of justice American style.

WILLIAM G. DOERNER
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CULTURE AND CRISIS IN CONFINEMENT. By Robert Johnson. Lexington, Ma.: D. C. Heath and Company, 1976. Pp. 208. \$16.00.

This book is based on an ambitious three-year study of self-mutilation and attempted suicide among adolescent and adult male prisoners in New York State maximum security prisons and three major New York City pretrial detention centers. Apparently, the work originally served as the author's doctoral dissertation, and parts of it appeared in modified form in several chapters of Hans Toch's *Men in Crisis* (1975), which is a larger book based on this same study.

Intensive interviews were conducted with 325 Latin, black, and white prisoners who had resorted to self-destructive behavior and 146 randomly selected prisoners who served as a control group. The interviews were then classified according to a rather complex and sophisticated typology of sixteen crisis themes developed by Hans Toch in an earlier study, and which seems quite adequate for the needs of this study.

Consistent with most prior research, this study found that blacks are underrepresented and Latins and whites overrepresented among self-injuring prisoners. However, in contrast to most other studies, the author explains his findings by noting that differential cultural experiences influence the degree to which various groups of prisoners are able to adjust to the rigors of prison life. Those individuals who are ill-prepared to adjust to prison life (Latins and whites) are the ones most likely to resort to self-mutilation or suicide. In spite of Johnson's disclaimer that his descriptions of cultural experiences "are not meant to suggest that such conditions are intrinsic to any ethnic group," his position still falls perilously close to ethnic stereotyping. Still, Johnson handles the matter delicately and objectively, and his approach should offend few readers.

To support his major premise, Johnson analyzes seventeen background variables to discount their

possible influence on the ethnic differences found by the study. Only two variables, the offense committed by the individual and the individual's educational achievement, were found to have a significant relationship and fall in the expected direction for both jail and prison subjects. Scholars will find much valuable information in the numerous tables which accompany these analyses, especially the quantitative profiles of the prisoners who resorted to self-injury as compared to the random sample of prisoners.

The latter half of the book consists mostly of interview summaries which provide a vivid view of the devastation of incarceration from the perspective of the prisoner. The summaries are well chosen and will appeal to those practitioners who must deal with crisis-ridden prisoners on a daily basis. However, in my opinion, the author relies too heavily upon them detracting from the general tenor of the book. The author's accompanying observations are especially sensitive to the thoughts and feelings of the prisoners, but are unfortunately too few and far between.

Overall, *Culture and Crisis in Confinement* is an effectively organized, carefully documented, and well written book which will be of interest to a wide audience. However, its small size, price, narrow scope and extensive research will almost certainly restrict its classroom usage to specially designed courses for advanced students. Certainly, not everyone will agree with Johnson's explanations, but the book nevertheless makes a significant contribution to our growing body of knowledge concerning prisoner self-abuse because it offers a different perspective from the ones normally taken. Perhaps the greatest danger the book faces is that it will be unfairly compared with *Men in Crisis* rather than judged on its own considerable merits.

JEFF SCHRINK
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LOVE AND THE AMERICAN DELINQUENT. By Steven L. Schlossman. Chicago: The University of Chicago Press, 1977. Pp. 303. \$15.00.

Steven L. Schlossman's *Love and the American Delinquent* offers considerable insight into both the theory and practice of the Progressive movement in juvenile justice. The book is not a rehashing of the traditional "Child-saving" or "invention of delinquency" themes. In fact, Schlossman is highly critical of much existing information relevant to this era in American justice. In various segments of the book, primarily through the vehicle of foot-

notes, Schlossman contends that scholars have distorted or misinterpreted the ideologies behind, and the philosophical origins of, the Progressive movement. "Anthony Platt, for example, argued that the Progressive period witnessed the 'invention of delinquency.' Plainly this view is misleading: it distorts the attitudes and policies of the nineteenth century and provides no context for asking what, if anything, was unique about Progressive juvenile justice" (at 55). If for no other reason than the ideological and philosophical sparks that this book is likely to generate, it is worth reading. However, there are more than the germs of controversy contained in this book.

The goal of the book is to compare, using primarily historical analysis, the theory that underpins the Progressive movement with its practice. To accomplish this goal, Schlossman, in Part 1, examines the development of the movement from its legal framework in American justice, through the juvenile reformatory and cottage reform school phases, and to the rise of the "progressive" rehabilitative ideas of the juvenile court movement. Schlossman's illumination of the political, social, economic and historical roots of the movement of the Jacksonian and Victorian eras is masterful. As a result of this thoughtful analysis, the seminal features of the Progressive era, the juvenile court and probation, emerge all the more distinctly. After all, "[T]o understand what is new, it is essential to view the court and probation as part of a continuing stream of social thought and institutional experimentation . . ." (at 55).

The second part of this volume examines Progressive justice in practice. In a manner similar to his analysis of the evolution of the movement itself, Schlossman explores the growth and development of the juvenile justice system in Wisconsin with special emphasis on the juvenile court in Milwaukee. To relate the operating realities of this court, the author presents an interesting, if somewhat simplistic, analysis of a rather unique collection of data. Specifically, his data consist of (1) a rudimentary summary statistical record of court activities for a short period of time early in this century, (2) a log of out-of-court settlements for the period 1914 to 1916, and (3) a random sample of 1200 of the approximately twelve thousand cases appearing before the Milwaukee juvenile courts between 1901 and 1920. While a strict quantitative researcher might question the representativeness and generalizability of these data, they do provide an answer to the basic question posed by Schlossman:

What was the operational meaning of treatment in the Milwaukee court?

In sum, *Love and the American Delinquent* is a worthwhile addition to the literature in the area of juvenile justice. Schlossman does challenge a rather popular body of knowledge about the Progressive movement. But his evidence, logical and empirical, is rather convincing. Hopefully, this challenge will serve to enlarge our understanding of this era and its implications for the present. As Schlossman so succinctly expressed it, "it is imperative to study American correctional history if only for the illusions it can dispel, if only to see how important it is to penetrate the veneer of reform and distinguish clearly between theory and reality" (at 193).

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BARGAINING FOR JUSTICE: CASE DISPOSITION AND REFORM IN THE CRIMINAL COURTS. By *Suzann R. Thomas Buckle and Leonard G. Buckle*. New York: Praeger Publishers, 1977. Pp. 192. \$17.50.

The core of this book (Chapter 2 of three chapters, representing more than half of the text) is an ethnography of the plea bargaining process, from arrest to disposition, in district courts in the Boston area. The ethnography itself focuses on activities of public defenders in those courts based on three months of observation by the authors. This is supplemented by Judy Levenson's observation of "prestige" attorneys taking indigent's cases in the same courts and Scott Hebert's observations of police and prosecutors.

The book's description of plea bargaining is remarkably vivid and broad. Sample dialogue is liberally sprinkled through the description in credible vernacular and I sense that the authors soon knew and sympathized with the public defenders they accompanied. The reader is treated to descriptions of parts of the plea bargaining process that have heretofore largely been ignored in plea bargaining literature, such as interaction between public defender and probation officer. This clearly written section of the book is even fun to read.

For all of the strength of the ethnography, the careful preparations and presentations of defenders seem too good to be true. A decade ago, I spent a fair amount of time in Boston area jails and courts as a student public defender. I recall the deplorable condition of the jails and courts. Many of the prisoners, including children, were those who sim-

ply could not make bail. (The Buckles acknowledge that this is true today notwithstanding passage of a bail reform act.) The public defenders mainly relied on law students to visit their clients in jail. The students were given long, bureaucratic forms to fill out during our jail interviews. In district court, cases were commonly in and out of court in a couple of minutes. In downtown Boston on Monday morning, defendants charged with drunkenness were paraded through the dock and had their cases disposed of—often without counsel—in a matter of seconds apiece. Meanwhile, the Buckles report, as though routine, that public defenders not only repeatedly consulted defendants, police and probation officers, but discussed cases with outside professionals as well as set up special treatment programs for defendants as alternatives to incarceration. This is a strategy I myself employed on occasion as a student defender when I had just one client at a time and a week or so before trial to prepare. Meanwhile, public defenders I accompanied to their trials, who had not even seen their clients before as we drove to court for trial, never worked out special arrangements for probation as far as I saw.

Perhaps I missed a lot then, or perhaps the quality of service given by defenders has changed radically in the last decade. But I cannot help wondering if instead, the defenders the Buckles accompanied presented a special show of careful case preparation for their observers. There are several features of the Buckles' description that incline me toward this latter belief. For one thing, the Buckles do report Hebert's pejorative view of prosecutors as being overworked, as part-time employees who give their official caseloads short shrift, and as people who depend heavily on others to do their work: police who act as prosecutors and law students who prepare and present cases, too. The Buckles acknowledge that the defenders work part-time with private practices on the side, and simply report that each defense attorney has fewer cases to handle than each prosecutor. The contrast between prosecutors and public defenders seems strange, and is not explained by the Buckles. Is it possible that the defenders who had the Buckles with them made sure to have light caseloads well prepared especially for those occasions?

The Buckles suggest that because defendants who do not plead guilty have a right to a new trial in superior court after conviction and sentence by the district court, the process in Massachusetts is especially likely to be adversarial. I disagree, and

again, wonder whether the public defenders might have misled the authors. Since the general appeal from the district court's decision takes the form of a completely new trial, the district court judge in Massachusetts is less subject than trial judges elsewhere to being found in legal error on appeal. Furthermore: (a) there is no right of jury trial in district court, (b) the district court is not a court of record, (c) appeals are discouraged by the prospect of the superior court's imposing a heavier sentence if they convict the defendant, and (d) district court sentences are commonly set low enough that the many defendants who cannot afford bail stand to wait in jail longer even if acquitted in superior court than they would if they simply let their sentences stand. Again, change might have taken place in a decade, but my impression is that Massachusetts district court judges operate with extraordinary impunity and are in arrogant control of their courts. Indeed, this arrogance is reflected in parts of the Buckles' description of court proceedings.

Finally, the vividness and detail of the Buckles' description belies the air of tedium and routine that pervades lower level criminal courts in medium and larger size cities everywhere. Boston was certainly no exception to this rule a decade ago and it would be miraculous if it had changed so dramatically in the intervening period. The Buckles' portrait does ring true if interpreted as a picture of some attorneys who sincerely wanted to show the system at its best and who worked hard to show the Buckles how much defenders could do. But whether or not my interpretation is correct, Chapter 2 of the book is an excellent guide to preparing and presenting high quality defense in a plea bargaining system. It is well worth reading.

Chapter 1 is a fairly solid review of plea bargaining literature, but there is little continuity between this chapter and the rest of the book. Chapter 3, summarizing the patterns emerging from the case study and touching on reform of plea bargaining, adds little to Chapter 2 by way of summary or as a guide to reform except to say that plea bargaining is such a complex process that only trivial reforms are readily imaginable.

Still, I commend the book to you, for Chapter 2 can help social scientists and lawyers to surmount their fatalism regarding how much defendants even in minor cases can be helped by good, well prepared counsel in a plea bargaining system. Whether or not public defenders in Boston routinely give the service the Buckles imply, what they

did in the Buckles' presence is something of an inspiration.

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THE CHILDREN OF ISHMAEL: CRITICAL PERSPECTIVES ON JUVENILE JUSTICE. By *Barry Krisberg* and *James Austin*. Palo Alto: Mayfield Publishing Company, 1978. Pp. 586. \$9.95.

The Children of Ishmael is a combination text and reader devoted to a critical assessment of the historical development and current status of juvenile justice. The explicit aim of the work is to "restore a sense of balance to the study of juvenile delinquency" since, the authors argue, traditional models have failed to recognize the explanatory power of classism, racism, sexism, and political and economic repression. Krisberg and Austin claim that a critical perspective is essential in bringing to light the manner in which such factors increase our understanding of the historical roots of the juvenile justice system as well as the inherent problems involved in the processing of youth through it. The authors propose a "community control" model which "emphasizes placing power and resources at the disposal of those people closest to the needs and problems of youth" as a first step toward the solution of the various inadequacies and inequities delineated throughout the book.

The most enlightening and well-researched portion of the work is the chapter on the "History of the Control and Prevention of Juvenile Delinquency in America." The historical material presented is extensive, ranging from the Middle Ages through modern times. The breadth and depth of the analysis is impressive and the orientation is strictly critical, much in the tradition of Anthony Platt's *The Child-Savers*. The basic intent of the chapter is to provide an alternative view of what the authors term the benevolent origins and operation of the juvenile justice system. Predictably, this alternative interpretation stresses the manner in which political and economic forces have shaped the structure and function of juvenile justice. This historical treatment is followed by a chapter devoted to a critical statement of current inadequacies, biases, due process violations and general abuses within the ongoing system. In general, the material presented and evaluated in this first section of the book is fairly well balanced among competing interpretations, although Krisberg and Austin do tend to skew the presentation in the direction of their own explicitly stated biases.

Aside from the opening chapters and a short concluding chapter concerned with summarization and a statement of policy alternatives, the bulk of the work contains a series of original and reprinted articles dealing with various aspects of delinquency and juvenile justice (traditional theories of causation, social structural dimensions of delinquency, societal reaction theory, treatment program evaluation, social policy and the prevention of delinquency). It is the authors' selection of articles for inclusion that is the basis for my primary negative criticism.

Krisberg and Austin certainly could not be expected to present even a small portion of all of the relevant material—there is simply too much of it, and any author is confronted with the practical difficulty of deciding what to include or omit. But in this case, the authors have taken on a self-imposed responsibility to present alternative interpretations of the issues with which they deal. In the preface they state: "Despite our sympathies, we have not ignored the works of scholars of differing viewpoints, and the material presented offers a balanced review of available data and theory." However, their selection of articles, particularly those which present research findings, simply does not reflect this intent. Perhaps a fully balanced presentation is too much to expect; perhaps scholars understandably choose works consistent with their own biases. But if, as they state, Krisberg and Austin recognize the contradictory nature of the extant research, and want to "allow the reader to conduct an independent evaluation of existing data," then it is incumbent upon them to present at least a representative selection of the diverse evidence.

In all fairness, the authors do present some of the traditional theoretical arguments regarding the etiological dimension of delinquency, but the bulk of the research evidence offered the reader as a basis to conduct an "independent evaluation" is selected so as to support the authors' own view. The issue is not whether their interpretation is "right" or "wrong," but rather that the reader simply is not allowed to exercise independent judgment on the basis of a full sampling of the evidence. Given the nature of most of the material, a person ignorant of the variety of issues and the mass of conflicting data could not avoid reaching a conclusion consistent with the authors' orientation. This is not to say that their arguments are not persuasive and well-documented. They undeniably make a strong case in support of their viewpoint. But, when only

one side of the coin is shown, objective assessment by the reader is unlikely.

This important shortcoming notwithstanding, Krisberg and Austin have done a good job in *The Children of Ishmael*. I suspect that many of the "new criminologists" will laud the work as a "genuine contribution to the field," while many of those not sharing this perspective will tend to view it as yet another in the series of polemical statements by some "critical criminologists." Most, like myself, will fall somewhere in the middle. The book is well-written and well-organized, with basic assumptions and biases made explicit throughout. The work merits serious attention and will certainly "stimulate critical thinking" as promised by the authors and publisher.

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CRIMINAL LAW: AN INDICTMENT. By Richard J. Orloski. Chicago: Nelson-Hall, 1977. Pp. 160. \$9.95.

As apparent from its title, this book mirrors the widespread disenchantment with our criminal justice system. Drawing essentially upon his experiences as a Pennsylvania county prosecutor, the author underscores the injustices he perceives, decrying judicial independence and echoing the recurring clamour for stringent legislative controls.

Marketed under the banner of reform, some of the measures proposed by the author are simply regressive. Advocating the abolition of the exclusionary rule, as well as statutory curbs on plea bargaining, Mr. Orloski further proposes a return to narrowly drawn offenses. Using the generic crime of burglary as an example, he suggests the creation of separate indictable offenses such as burglary at nighttime and burglary of a private residence. He then tempers this suggestion with mitigating variations such as burglary by a person under 25 years of age, burglary of an unoccupied structure left unattended, and so on *ad infinitum*. While offered for the avowed purpose of curtailing judicial discretion, the more probable result of the acceptance of these suggestions would be a dramatic increase in post-trial claims of material variance.

Mr. Orloski also advocates elimination of indeterminate sentencing and parole. While this approach has now been implemented in states such

as California¹ and Illinois², the author goes further in proposing that judges be barred from considering a defendant's economic, sociological or psychological background. Contending that the only relevant consideration in sentencing should be the defendant's prior record of convictions, Orloski recommends that punishment be enhanced by a legislative determination as to each particular crime and for each prior conviction, and further opts for mandatory consecutive sentencing in the case of fourth offenders. From such proposals, the reader can only express wonderment as to the judicial functions envisioned by this author.

Although citations are provided for the dozen-odd authorities referred to in this little book, Mr.

Orloski's presentation appears to be addressed primarily to legislators or to their constituents. While effective perhaps as a lobbyists' primer, in the opinion of this reviewer, the book is of little value to the criminal practitioner or jurist.

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CORRECTIONS

Vol. 68, no. 3, p. 412, Author List: "Student Contributors to this issue are John R. Rellick, Stephen R. Lundeen, Stephen R. Kaufman."

Vol. 68, no. 4, p. 649, col. 1, ln. 16: "Both effects will tend to smear the popula-"

Vol. 68, no. 4, p. 651, col. 2, para. 2, ln. 11-13: "High levels of unemployment function to reduce income to the working class and prevent rising wages from eroding business profits."

¹ CAL. CRIM. CODE § 1168 (West Supp. 1977)

² ILL. REV. STAT. ch. 38, § 1005-8.1 (Smith-Hurd 1977)